

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AARON FICHTER, Trustee of  
Contractors Laborers, Teamsters and  
Engineers Health & Welfare Plan and  
Trustee of Contractors Laborers,  
Teamsters and Engineers Pension Plan;  
KIM QUICK, Trustee of Contractors  
Laborers, Teamsters and Engineers  
Health & Welfare Plan and Trustee of  
Contractors Laborers, Teamsters and  
Engineers Pension Plan; RON  
KAMINSKI, Trustee of Contractors  
Laborers, Teamsters and Engineers  
Health & Welfare Plan and Trustee of  
Contractors Laborers, Teamsters and  
Engineers Pension Plan; RON  
FUCINARO, Trustee of Contractors  
Laborers, Teamsters and Engineers  
Health & Welfare Plan and Trustee of  
Contractors Laborers, Teamsters and  
Engineers Pension Plan; JOSH  
RENDER, Trustee of Contractors  
Laborers, Teamsters and Engineers  
Health & Welfare Plan and Trustee of  
Contractors Laborers, Teamsters and  
Engineers Pension Plan; TIMOTHY  
MCCORMICK, Trustee of Contractors  
Laborers, Teamsters and Engineers  
Health & Welfare Plan and Trustee of  
Contractors Laborers, Teamsters and  
Engineers Pension Plan;  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCAL 571,  
and LABORERS INTERNATIONAL  
UNION OF NORTH AMERICA, LOCAL  
1140,

Plaintiffs,

**8:23CV219**

**ORDER**

vs.

JUSTIN WIGGENS,

Defendant.

This matter comes before the court after a review of the docket and pursuant to NECivR 41.2, which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

The complaint was filed on May 24, 2023 (Filing No. 1). Plaintiffs filed a return of service indicating service on Defendant on May 30, 2023. (Filing No. 5). No answer or other responsive pleading has been filed. Plaintiff has a duty to prosecute the case and may, for example, seek default judgment in accordance with the applicable rules or take other action as appropriate.

Accordingly,

IT IS ORDERED that Plaintiffs shall have until August 14, 2023 to show cause why this case should not be dismissed pursuant to NECivR 41.2 for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 24th day of July, 2023.

BY THE COURT:

*s/ Cheryl R. Zwart*

United States Magistrate Judge